



Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Forty-fourth Meeting Day

Thursday Morning

April 10, 2003

The House convened at 9:00 a.m. with the Speaker in the Chair.

The invocation was offered by Reverend Larry Hanson, County Line Brethren Church, Lakeville, the guest of Representative Richard W. Mangus.

The Pledge of Allegiance to the Flag was led by Representative Mangus.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery ☐	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett ☐
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses ☐
Buck	Murphy
Budak	Neese
Buell ☐	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran ☐	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich ☐	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 518: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, April 14, 2003, at 10:30 a.m.

PELATH

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1216, 1700, 1769, and 1808 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1019, 1130, 1212, 1260, 1353, 1367, 1695, 1704, 1731, 1734, 1757, 1797, 1798, 1813, 1834, 1849, 1935, and 1980 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Governor has on the 9th day of April approved Senate Enrolled Act 515 and the same has been deposited with the Secretary of State.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1325.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1769.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 46, 53, and 54 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 67, 222, and 401 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1001:

Advisors: Wyss and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 238 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: C. Lawson, Chair and Breaux

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 475 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: C. Lawson, Chair; and Broden

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Resolution 55

Representative Bardon introduced House Resolution 55:

A HOUSE RESOLUTION congratulating James "Jimmy" Richardson and Margaret Stevens Richardson on the occasion of their 62nd wedding anniversary.

Whereas, Marriage binds together a man and a woman who have pledged their undying love for one another;

Whereas, Marriage is the beginning of the establishment of the family unit, which is the foundation of our society;

Whereas, Jimmy Richardson and Margaret Stevens Richardson have been united in their marriage for 62 years and have two sons, six grandchildren, and two great grandchildren;

Whereas, The Richardsons were married on April 12, 1941, in Boston, Massachusetts, before Jimmy was deployed to the South Pacific during World War II; and

Whereas, Jimmy Richardson has served the state legislature in various capacities and has placed his name on the ballot for elected office, unselfishly offering his services to the people of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to congratulate James "Jimmy" Richardson and Margaret Stevens Richardson on the occasion of their 62nd wedding anniversary, saluting Mr. Richardson's undaunting determination to make our world a better one, and Mrs. Richardson's ability to lovingly put up with him.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to James and Margaret Stevens Richardson and their family.

The resolution was read a first time and adopted by voice vote.

House Resolution 56

Representative Crooks introduced House Resolution 56:

A HOUSE RESOLUTION honoring Minnie Kearby on her 110th birthday.

Whereas, Minnie Kearby was raised on a farm in Ireland, Indiana. She was married and had one son, who preceded her in death; she has grandchildren, great-grandchildren, and great-great grandchildren, who are all attentive and enjoy listening to the great stories Minnie relates;

Whereas, Minnie Kearby has had the opportunity to see many changes in her lifetime; she has lived through two World Wars, the Great Depression, Prohibition, the flight of the first airplane, twenty presidents, man walking on the moon, the invention of the radio, television, and the Internet and the discovery of DNA;

Whereas, Minnie Kearby is highly regarded by her fellow community members, who enjoy and benefit from her extensive wisdom and life experience; she attributes her long life and good health to her "strength in the Lord" and good clean livin': Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That this body honors Minnie Kearby's long life and wishes her a happy 110th birthday.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Minnie Kearby.

The resolution was read a first time and adopted by voice vote.

House Resolution 57

Representative Stilwell introduced House Resolution 57:

A HOUSE RESOLUTION honoring Sharon Schulte on the occasion of her retirement.

Whereas, Sharon Schulte, Director of the Retired and Senior Volunteer Program (RSVP) at Lincoln Hills Development Corporation, is retiring after 21 years of service;

Whereas, As Director of RSVP, Sharon Schulte provided seniors with an opportunity to serve their community while enjoying the social aspects of volunteering;

Whereas, It is through her efforts that many of our senior citizens can begin to feel useful once again and eliminate the loneliness felt by so many elderly Hoosiers;

Whereas, Sharon Schulte will not be idle in her retirement as she is a Democrat candidate for city council in Rockport, Indiana;

Whereas, Sharon will also be spending more time with her family; and

Whereas, Sharon Schulte has been a loyal and dedicated employee who worked long hours in the hope of making an elderly Hoosier's life more enjoyable: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to convey its good wishes to Sharon Schulte and to thank her for her dedicated service to the elderly of our state.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Sharon Schulte and her family.

The resolution was read a first time and adopted by voice vote.

ENGROSSED SENATE BILLS
ON THIRD READING

Engrossed Senate Bill 136

Representative Mahern called down Engrossed Senate Bill 136 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 519: yeas 91, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 211

Representative Lytle called down Engrossed Senate Bill 211 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 520: yeas 90, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 26

Representative Fry called down Engrossed Senate Bill 26 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 109

Representative Aguilera called down Engrossed Senate Bill 109 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 210

Representative Summers called down Engrossed Senate Bill 210 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 216

Representative Reske called down Engrossed Senate Bill 216 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 268

Representative Mahern called down Engrossed Senate Bill 268 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 289

Representative Cherry called down Engrossed Senate Bill 289 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 337

Representative Crawford called down Engrossed Senate Bill 337 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 490

Representative Lytle called down Engrossed Senate Bill 490 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Joint Resolution 5

Representative Frenz called down Engrossed Senate Joint Resolution 5 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate

amendments to Engrossed House Bill 1019 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1221 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BOTTORFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1241 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1470 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WHETSTONE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1515 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1525 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1437 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1558 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1657 and that the Speaker appoint a committee to confer with a like committee from the Senate

and report back to the House.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1834 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BARDON

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1620 Conferees: L. Lawson and Ayres
Advisors: Harris, Budak, and Torr

EHB 1664 Conferees: Reske and Mangus
Advisor: Saunders

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 465 Conferees: Welch and Espich
Advisors: Crawford and Turner

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 11:10 a.m. with the Speaker in the Chair.

Representatives Avery, Buell, Cochran, and Espich, who had been excused, were present.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 311

Representative L. Lawson called down Engrossed Senate Bill 311 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 62

Representative Crawford called down Engrossed Senate Bill 62 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 62-1)

Mr. Speaker: I move that Engrossed Senate Bill 62 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 34-30-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 20. Immunity of Firearm Owner if Firearm Used in Criminal Act

Sec. 1. As used in this chapter, "firearm" has the meaning set forth in IC 35-47-1-5.

Sec. 2. A person is immune from civil liability based on a theory of negligent storage or monitoring of a firearm if the firearm is used by a third party in the commission of a criminal offense.

SECTION 2. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 0062 as printed April 8, 2003.)

ULMER

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Ulmer's amendment (62-1) is non-germane.

The subject matter of the amendment is the same as the subject matter of the bill, victims' rights.

WHETSTONE
ULMER

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

The question was, Shall the ruling of the Chair be sustained? Roll Call 521: yeas 45, nays 48. The ruling of the Chair was sustained.

[*Journal Clerk's note: House Rule 24.1 states: "No appeal from the decision of the Chair shall prevail except by a constitutional majority." A constitutional majority is 51.*]

There being no further amendments, the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 122

Representative Herrell called down Engrossed Senate Bill 122 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 122-3)

Mr. Speaker: I move that Engrossed Senate Bill 122 be amended to read as follows:

Page 13, delete lines 12 through 42.

Page 14, delete line 1.

Renumber all SECTIONS consecutively.

(Reference is to ESB 122 as printed April 8, 2003.)

HERRELL

Motion prevailed.

HOUSE MOTION (Amendment 122-1)

Mr. Speaker: I move that Engrossed Senate Bill 122 be amended to read as follows:

Page 2, delete lines 35 through 42.

Page 3, delete lines 1 through 34.

Page 13, delete lines 12 through 42.

Page 14, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to ESB 122 as printed April 8, 2003.)

RIPLEY

Upon request of Representatives Ripley and Friend, the Speaker ordered the roll of the House to be called. Roll Call 522: yeas 59, nays 35. Motion prevailed.

Representative Herrell withdrew the call of Engrossed Senate Bill 122.

Engrossed Senate Bill 144

Representative L. Lawson called down Engrossed Senate Bill 144 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 160

Representative Wolkins called down Engrossed Senate Bill 160 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 160-3)

Mr. Speaker: I move that Engrossed Senate Bill 160 be amended to read as follows:

Page 1, after line 14, begin a new paragraph and insert:

"SECTION 2. IC 10-14-8-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3.1. (a) Before a person may transport low level radioactive waste (as defined in IC 13-11-2-121(a)) in Indiana, the person who is responsible for the shipment must submit a transportation fee of one hundred dollars (\$100) for each total shipment of low level radioactive waste to the director.**

(b) The director shall deposit fees collected under this section in the nuclear response fund established by section 6 of this chapter.

SECTION 3. IC 10-14-8-6, AS ADDED BY SEA 257-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) The nuclear response fund is established to provide appropriate education, training, and equipment to local emergency responders:

(1) in counties that will be affected by the transportation of high level radioactive waste under this chapter; and

(2) to:

(A) prevent;

(B) prepare for; and

(C) respond to;

acts of terrorism.

(b) Sources of money for the fund consist of transportation fees deposited under section 3(b) of this chapter.

(c) The state emergency management agency shall administer the fund. Money in the fund is annually appropriated to the state emergency response commission to be used for purposes described in subsection (a).

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(f) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 4. IC 10-14-8-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 9. A person that transports:**

(1) low level radioactive waste (as defined in IC 13-11-2-121(a)); or

(2) high level radioactive waste;

in Indiana shall reimburse each governmental entity that provides security for a shipment for reasonable and necessary expenses incurred by the governmental entity in providing the security."

(Reference is to ESB 160 as printed April 2, 2003.)

DVORAK

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 172

Representative Oxley called down Engrossed Senate Bill 172 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 172-1)

Mr. Speaker: I move that Engrossed Senate Bill 172 be amended to read as follows:

Page 1, line 9, strike "body" and insert "blood".

(Reference is to ESB 0172 as printed April 8, 2003.)

BOSMA

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 178

Representative Ripley called down Engrossed Senate Bill 178 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 187

Representative Porter called down Engrossed Senate Bill 187 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 187-1)

Mr. Speaker: I move that Engrossed Bill 187 be amended to read as follows:

Page 5, between lines 2 and 3, begin a new paragraph and insert: "SECTION 5. IC 20-10.1-30-3, AS ADDED BY P.L.127-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. As used in this chapter, "eligible veteran" refers to an individual who has the following qualifications:

(1) Served as a member of the armed forces of the United States at any time during at least one (1) of the following periods:

(A) Beginning April 6, 1917, and ending November 11, 1918 (World War I).

(B) Beginning December 7, 1941, and ending December 31, 1946 (World War II).

(C) Beginning June 27, 1950, and ending January 31, 1955 (Korean Conflict).

(D) Beginning August 5, 1964, and ending May 7, 1975 (Vietnam Conflict).

(2) Before the military service described in subdivision (1):

(A) attended public or nonpublic high school in Indiana; and
(B) was a student in good standing at the high school described in clause (A), to the satisfaction of the department of veterans' affairs.

(3) Did not graduate or receive a diploma because of leaving the high school described in subdivision (2) for the military service described in subdivision (1).

(4) Was honorably discharged from the armed forces of the United States."

Renumber all SECTIONS consecutively.

(Reference is to ESB 187 as printed March 28, 2003.)

GIA QUINTA

Upon request of Representatives GiaQuinta and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 523: yeas 98, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 187-3)

Mr. Speaker: I move that Engrossed Senate Bill 187 be amended to read as follows:

Page 3, between lines 39 and 40, begin a new line double block indented and insert:

"(B) The percentage of students completing advanced courses in mathematics, science, and English that qualify for college credit."

Page 3, line 40, strike "(B)" and insert "(C)".

(Reference is to ESB 187 as printed April 8, 2003.)

FRENZ

Motion prevailed.

HOUSE MOTION
(Amendment 187-2)

Mr. Speaker: I move that Engrossed Senate Bill 187 be amended to read as follows:

Page 9, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 8. IC 20-10.2-5-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5. Notwithstanding section 4 of this chapter or IC 20-10.2-6:**

(1) a school may not be placed in any category or designation; and

(2) any consequences set forth in IC 20-10.2-6 may not be carried out;

until the school has received adequate funding to fully carry out the school's strategic and continuous school improvement and achievement plan developed under IC 20-10.2-3 for at least three (3) consecutive years."

Renumber all SECTIONS consecutively.

(Reference is to ESB 187 as printed April 8, 2003.)

KERSEY

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question was on the motion of Representative Kersey (187-2). On the motion of Representative Crooks the previous question was called.

Upon request of Representatives Kersey and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 524: yeas 59, nays 39. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 35

Representative Avery called down Engrossed Senate Bill 35 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 35-1)

Mr. Speaker: I move that Engrossed Senate Bill 35 be amended to read as follows:

Page 1, line 13, after "2006;" insert "**or**".

Page 1, line 15, delete "2006, and before" and insert "**2006; and**".

Page 1, delete lines 16 through 17.

Page 2, delete line 1.

Page 3, line 1, after "2006;" insert "**or**".

Page 3, line 3, delete "2006, and before" and insert "**2006; and**".

Page 3, delete lines 4 through 6.

Page 3, line 10, after "entity" and insert "**or an employee of a governmental entity acting within the scope of employment**".

(Reference is to ESB 35 as printed April 8, 2003.)

TORR

Upon request of Representatives Torr and Friend, the Speaker ordered the roll of the House to be called. Roll Call 525: yeas 35, nays 62. Motion failed. The bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:45 p.m. with the Speaker in the Chair.

Representative Neese was excused for the rest of the day.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 520

Pursuant to House Rule 143, the sponsor of Engrossed Senate Bill 520, Representative Moses, granted consent to a cosponsor, Representative Mays, to call the bill down for second reading. Representative Mays called down Engrossed Senate Bill 520 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 520-1)

Mr. Speaker: I move that Engrossed Senate Bill 520 be amended to read as follows:

Page 1, line 12, delete "Air" and insert "**Aviation**".

Page 1, line 15, delete "Air" and insert "**Aviation**".

Page 2, line 4, delete "Air" and insert "**Aviation**".

Page 2, line 7, delete "Air" and insert "**Aviation**".

Page 6, line 19, strike "Air" and insert "**Aviation**".

Page 6, line 20, strike "Air" and insert "**Aviation**".

Page 12, line 20, delete "pilot" and insert "**PILOT**".

Page 12, line 21, after "its property" insert "**eligible for a deduction under subsection (d)**".

(Reference is to ESB 520 as printed April 8, 2003.)

HASLER

Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Engrossed Senate Bill 506

Representative L. Lawson called down Engrossed Senate Bill 506 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 506-2)

Mr. Speaker: I move that Engrossed Bill 506 be amended to read as follows:

Page 11, line 15, after "IC 11-13-1-8" insert "**However, any minimum salary requirements adopted under IC 11-13-1-8 shall not become effective until January 1, 2005**".

(Reference is to ESB 0506 as printed April 8, 2003.)

SAUNDERS

On the motion of Representative Crooks the previous question was called. Upon request of Representatives Saunders and Friend, the Chair ordered the roll of the House to be called. Roll Call 526: yeas 39, nays 56. Motion failed.

HOUSE MOTION
(Amendment 506-4)

Mr. Speaker: I move that Engrossed Senate Bill 506 be amended to read as follows:

Page 2, line 21, after "county" insert "**or city**".

Page 2, line 22, after "county" insert "**or city**".

Page 2, line 33, after "county" insert "**or city**".

Page 2, line 34, after "county" insert "**or city**".

Page 3, line 2, delete "IC 31-40-1-1.7" and insert "IC 31-40-2-1.7".

Page 4, line 23, before "If" begin a new paragraph and insert:

"(b)".

Page 4, line 23, delete "may" and insert "**may**".

Page 4, line 24, before "keep" begin a new line block indented and insert:

"(1)".

Page 4, line 25, after "fee" insert "**and shall deposit any fee kept under this subsection in the clerk's record perpetuation fund established under IC 33-19-6-1.5; and**

(2) transfer not more than three percent (3%) of the fee to the:

(A) county auditor, if the fee is collected by a clerk of the circuit court, and the county auditor shall deposit the money transferred under this subdivision into the county general fund; or

(B) city general fund, if the fee is collected by the city clerk or city clerk-treasurer."

Page 4, line 25, delete "and may transfer not".

Page 4, delete lines 26 through 32.

Page 4, line 33, strike "(b)" and insert "(c)".

Page 4, line 39, delete "(c)" and insert "(d)".

Page 7, line 4, strike "(c)." and insert "(d)".

Page 7, line 6, strike "(d)." and insert "(e)".

Page 7, line 11, after "the probation." begin a new paragraph and insert:

"(c)".

Page 7, line 12, delete "may" and insert "**may**:"

"(1)".

Page 7, line 13, after "fee" insert "**and shall deposit any fee kept under this subsection in the clerk's record perpetuation fund established under IC 33-19-6-1.5; and**

(2) transfer not more than three percent (3%) of the fee to the:

(A) county auditor, if the fee is collected by a clerk of the circuit court, and the county auditor shall deposit the money transferred under this subdivision into the county general fund; or

(B) city general fund, if the fee is collected by the city clerk or city clerk-treasurer."

Page 7, line 13, delete "and may".

Page 7, delete lines 14 through 20.

Page 7, line 21, strike "(c)" and insert "(d)".
 Page 7, line 38, strike "(d)" and insert "(e)".
 Page 8, line 9, strike "(e)" and insert "(f)".
 Page 8, line 10, delete "(c)(5) and (d)(4)" and insert "(d)(5) and (e)(4)".
 Page 8, line 11, delete "(c) or (d)." and insert "(d) or (e)".
 Page 8, line 23, strike "(f)" and insert "(g)".
 Page 8, line 24, delete "(d)(4)" and insert "(e)(4)".
 Page 8, line 25, delete "(d)." and insert "(e)".
 Page 8, line 37, strike "(e)." and insert "(f)".
 Page 8, line 38, strike "(g)" and insert "(h)".
 Page 8, line 38, strike "(I)." and insert "(j)".
 Page 9, line 4, strike "(h)" and insert "(I)".
 Page 9, line 10, strike "(I)" and insert "(j)".
 Page 9, line 17, delete "(j)" and insert "(k)".
 Page 11, line 4, after "all" insert ":

(1) counties; and

(2) cities that employ probation officers."

Page 11, line 4, delete "counties."
 Page 11, line 11 delete "county".
 Page 11, line 18, delete "county council" and insert "fiscal body".
 Page 11, line 20, before "general" insert "or city".
 Page 11, line 20, after "a" insert "city or".
 Page 11, line 25, delete "county".
 Page 11, line 29, after "county" insert "or city".
 (Reference is to ESB 506 as printed April 8, 2003.)

HINKLE

Motion prevailed.

HOUSE MOTION
 (Amendment 506-1)

Mr. Speaker: I move that Engrossed Senate Bill 506 be amended to read as follows:

Page 9, line 22, delete "must" and insert "may".
 (Reference is to SB 506 as reprinted February 21, 2003.)

SAUNDERS

Upon request of Representatives Saunders and Bosma, the Chair ordered the roll of the House to be called. Roll Call 527: yeas 44, nays 49. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 503

Representative Hasler called down Engrossed Senate Bill 503 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 503-4)

Mr. Speaker: I move that Engrossed Senate Bill 503 be amended to read as follows:

Page 2, line 16, after "8-6-7.7-2." insert "An ordinance adopted after June 30, 2003, that prohibits the sounding of a whistle or the ringing of a bell at a crossing must require that signs be posted at the crossing to warn the public that trains do not sound whistles or ring bells at that crossing."

Page 2, line 23, after "public." insert "Notwithstanding anything to the contrary in this subsection, the department shall grant permission to a city or a town to regulate the sounding of a whistle or the ringing of a bell if the city or town had an ordinance regulating the sounding of a whistle or the ringing of a bell that was approved and in effect on January 1, 1991, if the city or town amended or repealed the ordinance, and if the city or town adopts a subsequent ordinance on the same subject."

Page 2, line 42, strike "An ordinance approved and in effect".

Page 3, strike lines 1 through 2.

Page 3, line 17, reset in roman "not".

(Reference is to ESB 503 as printed April 1, 2003.)

HASLER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 486

Pursuant to House Rule 143, the sponsor of Engrossed Senate Bill 486, Representative Liggett, granted consent to the cosponsor, Representative Stilwell, to call the bill down for second reading.

Representative Stilwell called down Engrossed Senate Bill 486 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 486-1)

Mr. Speaker: I move that Engrossed Senate Bill 486 be amended to read as follows:

Page 12, line 39, delete "Eighty-three" and insert "Seventy-five".

Page 12, line 40, delete "(83%)" and insert "(75%)".

Page 13, line 5, reset in roman "fifteen".

Page 13, line 5, delete "twelve and one-half".

Page 13, line 5, reset in roman "(15%)".

Page 13, line 5, delete "(12.5%)".

Page 13, line 22, strike "one million" and insert "five hundred thousand".

Page 13, line 22, strike "\$1,000,000" and insert "\$500,000".

Page 14, line 5, reset in roman "However,".

Page 14, line 5, delete "Except".

Page 14, line 6, delete "for disbursements described in subsection (j),".

Page 14, between lines 23 and 24, begin a new paragraph and insert:

"(I) Not later than April 30 each year the department shall prepare an annual report that shows the amount of unobligated money in the fund on that date.

(j) The incumbent workers training board may reallocate the unobligated money shown in the annual report required by subsection (i) in accordance with subsections (b) and (c)(3)."

Page 14, line 24, strike "(I)" and insert "(k)".

Page 14, line 33, delete "(j)" and insert "(I)".

Page 14, line 34, delete "money in the fund" and insert "special employment and training services fund established by IC 22-4-25-1,".

Page 17, between lines 22 and 23, begin a new paragraph and insert:

"(g) Subject to the approval of the incumbent workers training board, the commissioner shall pay the expenses of administering the skills 2016 training fund established by IC 22-4-24.5-1 from the fund."

Page 22, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 11. [EFFECTIVE JULY 1, 2003] (a) This SECTION applies to the state educational institution established under IC 23-13-18.

(b) As used in this SECTION, "board" refers to the unemployment insurance board established under IC 22-4-18-2.

(c) As used in this SECTION, "department" refers to the department of workforce development established under IC 22-4-1-2-1.

(d) If, as the result of past due reimbursement payments under IC 22-4-10-1, penalties and interest under IC 22-4-29 have been assessed against a state educational institution described in subsection (a) and remain unpaid on July 1, 2003, all the penalties and interest remaining unpaid on July 1, 2003, are canceled, and neither the department nor the board may take any further action to collect those penalties and interest.

(e) This SECTION expires on January 1, 2004."

Renumber all SECTIONS consecutively.

(Reference is to ESB 486 as printed April 8, 2003.)

TORR

Motion prevailed.

HOUSE MOTION
 (Amendment 486-3)

Mr. Speaker: I move that Engrossed Senate Bill 486 be amended to read as follows:

Page 12, line 39, delete "Eighty-three",

Page 12, line 39, strike "percent".

Page 12, line 40, delete "(83%)".

Page 12, line 40, strike "of the money" and insert "Money".

Page 12, line 40, strike "the" and insert "any".

Page 12, line 40, strike "established under IC 20-12-61" and insert,

"defined under IC 20-12-0.5-1 and any entity approved by the board."

Page 12, line 41, strike "The money so".

Page 12, strike line 42.

Page 13, line 1, strike "(1)".

Page 13, line 1, strike "the" and insert "any".

Page 13, line 2, strike "established under IC 20-12-61" and insert **"defined under IC 20-12-0.5-1 and any entity approved by the board"**.

Page 13, line 5, reset in roman "fifteen", and delete **"twelve and one-half"**.

Page 13, line 5, reset in roman "(15%)" and delete **"(12.5%)"**.

Page 13, run-in lines 1 through 6.

Page 13, strike lines 7 through 19.

Page 13, line 22, strike "one million dollars (\$1,000,000)" and insert **"five hundred thousand dollars (\$500,000)"**.

Page 14, line 1, delete **"(3)"** and strike "The remainder of the money in the fund after the".

Page 14, strike line 2.

Page 14, line 3, strike "through" and delete **"(2)"**.

Page 14, line 3, strike "shall be allocated to other incumbent worker".

Page 14, line 4, strike line 4.

Page 14, line 5, reset in roman "However," and delete **"Except"**.

Page 14, line 6, delete **"for disbursements described in subsection (j)."**

Page 14, reset in roman lines 27 through 32.

Page 14, delete lines 33 through 35.

(Reference is to ESB 486 as printed April 8, 2003.)

LEONARD

On the motion of Representative Crooks the previous question was called. Representative Fry was excused from voting. Upon request of Representatives Leonard and Bosma, the Chair ordered the roll of the House to be called. Roll Call 528: yeas 46, nays 47. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 230

Representative Porter called down Engrossed Senate Bill 230 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 230-1)

Mr. Speaker: I move that Engrossed Senate Bill 230 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-6.1-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) This section applies to an examination that is required for teacher licensure under this chapter.

(b) If an individual does not demonstrate the level of proficiency required to receive a license on all or a part of an examination, the examination's scorer must provide the individual with the individual's test scores, including subscores for each area tested."

Renumber all SECTIONS consecutively.

(Reference is to ESB 230 as printed March 27, 2003.)

V. SMITH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 462

Representative Fry called down Engrossed Senate Bill 462 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 462-3)

Mr. Speaker: I move that Engrossed Senate Bill 462 be amended to read as follows:

Page 14, after line 42, begin a new paragraph and insert:

"SECTION 7. IC 27-8-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) An association

policy issued under this chapter may pay usual and customary charges or use other reimbursement systems that are consistent with managed care plans, including fixed fee schedules and capitated reimbursement, for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of illness or injury that exceed the deductible and coinsurance amounts applicable under section 4 of this chapter. **However, the amount of reimbursement for a health care service covered under an association policy may not exceed the amount of reimbursement for the same health care service under Medicare.**

(b) Eligible expenses are the charges for the following health care services and articles to the extent furnished by a health care provider in an emergency situation or furnished or prescribed by a physician:

(1) Hospital services, including charges for the institution's most common semiprivate room, and for private room only when medically necessary, but limited to a total of one hundred eighty (180) days in a year.

(2) Professional services for the diagnosis or treatment of injuries, illnesses, or conditions, other than mental or dental, that are rendered by a physician or, at the physician's direction, by the physician's staff of registered or licensed nurses, and allied health professionals.

(3) The first twenty (20) professional visits for the diagnosis or treatment of one (1) or more mental conditions rendered during the year by one (1) or more physicians or, at their direction, by their staff of registered or licensed nurses, and allied health professionals.

(4) Drugs and contraceptive devices requiring a physician's prescription.

(5) Services of a skilled nursing facility for not more than one hundred eighty (180) days in a year.

(6) Services of a home health agency up to two hundred seventy (270) days of service a year.

(7) Use of radium or other radioactive materials.

(8) Oxygen.

(9) Anesthetics.

(10) Prostheses, other than dental.

(11) Rental of durable medical equipment which has no personal use in the absence of the condition for which prescribed.

(12) Diagnostic X-rays and laboratory tests.

(13) Oral surgery for:

(A) excision of partially or completely erupted impacted teeth;

(B) excision of a tooth root without the extraction of the entire tooth; or

(C) the gums and tissues of the mouth when not performed in connection with the extraction or repair of teeth.

(14) Services of a physical therapist and services of a speech therapist.

(15) Professional ambulance services to the nearest health care facility qualified to treat the illness or injury.

(16) Other medical supplies required by a physician's orders.

An association policy may also include comparable benefits for those who rely upon spiritual means through prayer alone for healing upon such conditions, limitations, and requirements as may be determined by the board of directors.

(b) (c) A managed care organization that issues an association policy may not refuse to enter into an agreement with a hospital solely because the hospital has not obtained accreditation from an accreditation organization that:

(1) establishes standards for the organization and operation of hospitals;

(2) requires the hospital to undergo a survey process for a fee paid by the hospital; and

(3) was organized and formed in 1951.

(c) (d) This section does not prohibit a managed care organization from using performance indicators or quality standards that:

(1) are developed by private organizations; and

(2) do not rely upon a survey process for a fee charged to the hospital to evaluate performance.

(d) (e) For purposes of this section, if benefits are provided in the form of services rather than cash payments, their value shall be determined on the basis of their monetary equivalency.

(e) (f) The following are not eligible expenses in any association policy within the scope of this chapter:

(1) Services for which a charge is not made in the absence of insurance or for which there is no legal obligation on the part of the patient to pay.

(2) Services and charges made for benefits provided under the laws of the United States, including Medicare and Medicaid, military service connected disabilities, medical services provided for members of the armed forces and their dependents or for employees of the armed forces of the United States, medical services financed in the future on behalf of all citizens by the United States.

(3) Benefits which would duplicate the provision of services or payment of charges for any care for injury or disease either:

(A) arising out of and in the course of an employment subject to a worker's compensation or similar law; or

(B) for which benefits are payable without regard to fault under a coverage statutorily required to be contained in any motor vehicle or other liability insurance policy or equivalent self-insurance.

However, this subdivision does not authorize exclusion of charges that exceed the benefits payable under the applicable worker's compensation or no-fault coverage.

(4) Care which is primarily for a custodial or domiciliary purpose.

(5) Cosmetic surgery unless provided as a result of an injury or medically necessary surgical procedure.

(6) Any charge for services or articles the provision of which is not within the scope of the license or certificate of the institution or individual rendering the services.

(f) (g) The coverage and benefit requirements of this section for association policies may not be altered by any other inconsistent state law without specific reference to this chapter indicating a legislative intent to add or delete from the coverage requirements of this chapter.

(g) (h) This chapter does not prohibit the association from issuing additional types of health insurance policies with different types of benefits that, in the opinion of the board of directors, may be of benefit to the citizens of Indiana.

(h) (i) This chapter does not prohibit the association or its administrator from implementing uniform procedures to review the medical necessity and cost effectiveness of proposed treatment, confinement, tests, or other medical procedures. Those procedures may take the form of preadmission review for nonemergency hospitalization, case management review to verify that covered individuals are aware of treatment alternatives, or other forms of utilization review. Any cost containment techniques of this type must be adopted by the board of directors and approved by the commissioner."

Page 24, after line 29, begin a new paragraph and insert:

"SECTION 17. [EFFECTIVE JULY 1, 2003] **If the amount of reimbursement for health care services covered under an Indiana comprehensive health insurance association policy is specified under a contract with a health care provider, IC 27-8-10-3, as amended by this act, applies to a contract specifying the amount of reimbursement for health care services that is entered into, delivered, amended, or renewed after June 30, 2003.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 462 as printed March 28, 2003.)

RIPLEY

Motion prevailed.

HOUSE MOTION (Amendment 462-4)

Mr. Speaker: I move that Engrossed Senate Bill 462 be amended to read as follows:

Page 9, line 1, delete "one hundred" and insert "**twelve (12) months**".

Page 9, line 2, delete "eighty (180) days".

(Reference is to ESB 462 as printed March 28, 2003.)

RIPLEY

Motion prevailed.

HOUSE MOTION (Amendment 462-7)

Mr. Speaker: I move that Engrossed Senate Bill 462 be amended to read as follows:

Page 24, after line 29, begin a new paragraph and insert:

"SECTION 16. [EFFECTIVE JULY 1, 2003] (a) **As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.**

(b) **As used in this SECTION, "waiver" refers to a demonstration waiver under Section 1115 of the federal Social Security Act to provide Medicaid coverage for an individual who:**

(1) **is diagnosed with hemophilia; and**

(2) **meets the eligibility requirements for an Indiana comprehensive health insurance association policy under IC 27-8-10-5.1, as amended by this act.**

(c) **Before July 1, 2004, the office shall apply to the United States Department of Health and Human Services for approval of a waiver.**

(d) **The office may not implement the waiver until the office files an affidavit with the governor attesting that the federal waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver is approved.**

(e) **If the office receives a waiver under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (d), the office shall implement the waiver not more than sixty (60) days after the governor receives the affidavit.**

(f) **The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.**

(g) **This SECTION expires December 31, 2008."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 462 as printed March 28, 2003.)

RIPLEY

Motion prevailed.

HOUSE MOTION (Amendment 462-10)

Mr. Speaker: I move that Engrossed Senate Bill 462 be amended to read as follows:

Page 6, line 30, after "(I)" insert **"Federal income poverty level" has the meaning set forth in IC 12-15-2-1.**

(j)".

Page 7, line 15, strike "(j)" and insert "(k)".

Page 7, line 20, strike "(k)" and insert "(l)".

Page 7, line 25, strike "(l)" and insert "(m)".

Page 7, line 36, strike "(m)" and insert "(n)".

Page 7, line 38, strike "(n)" and insert "(o)".

Page 7, line 41, strike "(o)" and insert "(p)".

Page 8, line 5, strike "(p)" and insert "(q)".

Page 8, line 13, strike "(q)" and insert "(r)".

Page 8 line 16, strike "(r)" and insert "(s)".

Page 8, line 18, strike "(s)" and insert "(t)".

Page 8, line 26, strike "(t)" and insert "(u)".

Page 8, line 34, strike "(u)" and insert "(v)".

Page 8, line 36, strike "(v)" and insert "(w)".

Page 8, line 37, strike "(w)" and insert "(x)".

Page 8, line 40, strike "(x)" and insert "(y)".

Page 8, line 42, strike "(y)" and insert "(z)".

Page 9, line 5, delete "(z)" and insert "(aa)".

Page 9, line 12, delete "(aa)" and insert "(bb)".

Page 9, line 15, delete "(bb)" and insert "(cc)".

Page 9, line 18, delete "(cc)" and insert "(dd)".

Page 9, line 23, delete "(dd)" and insert "(ee)".

Page 12, line 28, after "than" insert ":

(1)".

Page 12, line 31, delete "year." and insert "year for an insured whose family income is less than three hundred one percent (301%) of the federal income poverty level for the same size family; and

(2) an amount determined by the board, but not less than one hundred fifty-one percent (151%) of the average premium rate for that class charged by the five (5) carriers with the largest premium volume in the state during the preceding calendar year, for an insured whose family income is more than three hundred fifty percent (350%) of the federal income poverty level for the same size family."

Page 12, line 31, begin a new line blocked left beginning with "In".

Page 24, line 26, after "and" insert "IC 27-8-10-2.1,".
(Reference is to ESB 0462 as printed March 28, 2003.)

RIPLEY

Motion prevailed.

HOUSE MOTION (Amendment 462-5)

Mr. Speaker: I move that Engrossed Senate Bill 462 be amended to read as follows:

Page 14, delete lines 19 through 32.

Page 20, delete lines 21 through 42.

Delete pages 21 through 23.

Page 24, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

(Reference is to ESB 462 as printed March 28, 2003.)

RIPLEY

Upon request of Representatives Ripley and Friend, the Chair ordered the roll of the House to be called. Roll Call 529: yeas 49, nays 47. Motion prevailed.

HOUSE MOTION (Amendment 462-9)

Mr. Speaker: I move that Engrossed Senate Bill 462 be amended to read as follows:

Page 6, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 3. IC 16-21-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 16. A hospital or an ambulatory outpatient surgical center that provides to a patient notice concerning a third party billing for a service provided to the patient shall ensure that the notice:**

(1) conspicuously states that the notice is not a bill;

(2) does not include a tear-off portion; and

(3) is not accompanied by a return mailing envelope.

SECTION 4. IC 16-25-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 11. A hospice that provides to a hospice program patient notice concerning a third party billing for a hospice service provided to the hospice program patient shall ensure that the notice:**

(1) conspicuously states that the notice is not a bill;

(2) does not include a tear-off portion; and

(3) is not accompanied by a return mailing envelope.

SECTION 5. IC 16-27-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 17. A home health agency that provides to a patient notice concerning a third party billing for a home health service provided to the patient shall ensure that the notice:**

(1) conspicuously states that the notice is not a bill;

(2) does not include a tear-off portion; and

(3) is not accompanied by a return mailing envelope.

SECTION 6. IC 16-28-2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 10. A health facility that provides to a patient notice concerning a third party billing for a service provided to the patient shall ensure that the notice:**

(1) conspicuously states that the notice is not a bill;

(2) does not include a tear-off portion; and

(3) is not accompanied by a return mailing envelope.

SECTION 7. IC 25-1-9-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 19. A practitioner that provides to a patient notice concerning a third party billing for a health care service provided to the patient shall ensure that the notice:**

(1) conspicuously states that the notice is not a bill;

(2) does not include a tear-off portion; and

(3) is not accompanied by a return mailing envelope."

Renumber all SECTIONS consecutively.

(Reference is to ESB 462 as printed March 28, 2003.)

FRY

Motion prevailed.

HOUSE MOTION (Amendment 462-11)

Mr. Speaker: I move that Engrossed Senate Bill 462 be amended to read as follows:

Page 8, line 13, after "(q)" insert : "**Health plan**" refers to:

(1) a health insurance arrangement; or

(2) another arrangement through which a third party provides for:

(A) payment for;

(B) reimbursement for; or

(C) the provision of;

health care services to an individual entitled to coverage under the arrangement;

through which creditable coverage is provided under the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191). However, the term does not include Medicare, Medicaid, a health care plan (as defined in IC 5-10-8-7.7(a)), or an association policy.

(r)".

Page 8, line 16, strike "(r)" and insert "(s)".

Page 8, line 18, strike "(s)" and insert "(t)".

Page 8, line 26, strike "(t)" and insert "(u)".

Page 8, line 34, strike "(u)" and insert "(v)".

Page 8, line 36, strike "(v)" and insert "(w)".

Page 8, line 37, strike "(w)" and insert "(x)".

Page 8, line 40, strike "(x)" and insert "(y)".

Page 8, line 42, strike "(y)" and insert "(z)".

Page 9, line 5, delete "(z)" and insert "(aa)".

Page 9, line 12, delete "(aa)" and insert "(bb)".

Page 9, line 15, delete "(bb)" and insert "(cc)".

Page 9, line 18, delete "(cc)" and insert "(dd)".

Page 9, line 23, delete "(dd)" and insert "(ee)".

Page 11, line 26, strike "for, on behalf of, or". and insert "**or collections under this chapter.**".

Page 11, strike line 27.

Page 12, line 37, after "premiums," insert "**the amounts collected under section 2.4 of this chapter,**".

Page 14, strike lines 2 through 9.

Page 14, line 10, strike "(2) any member insurer may".

Page 14, run in lines 1 and 10.

Page 14, delete lines 33 through 42.

Page 14, after line 42, begin a new paragraph and insert:

"SECTION 6. IC 27-8-10-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2.4. Beginning April 30, 2004, a health plan shall, not later than January 30, April 30, July 31, and October 31 of each year:**

(1) collect from each individual covered for any part of a month under the health plan during the preceding calendar quarter an amount equal to one dollar and fifty cents (\$1.50) per month; and

(2) submit the amount collected under subdivision (1) to the association."

Page 24, after line 29, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE JULY 1, 2003] IC 27-8-10-2.3 IS REPEALED."

Renumber all SECTIONS consecutively.
(Reference is to ESB 462 as printed March 28, 2003.)

FRY

After discussion, Representative Fry withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 438

Representative Kuzman called down Engrossed Senate Bill 438 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 267

Representative Oxley called down Engrossed Senate Bill 267 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 405

Representative Mahern called down Engrossed Senate Bill 405 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 405-3)

Mr. Speaker: I move that Engrossed Bill 405 be amended to read as follows:

Page 16, line 25, reset in roman "(a)".

Page 16, line 26, after "vehicle" insert **"purchased before January 1, 2004,"**.

Page 16, line 26, reset in roman "on".

Page 16, line 27, reset in roman "public property".

Page 16, between lines 32 and 33, begin a new paragraph and insert:

"(b) A vehicle purchased after December 31, 2003, may not be operated unless registered as set forth in section 9 of this chapter."

Page 16, line 40, delete "June 30," and insert **"December 31,"**.

Page 17, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 37. IC 14-16-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) The owner of a vehicle required to be registered under this chapter shall notify the department within fifteen (15) days if any of the following conditions exist:

(1) The vehicle is destroyed or abandoned.

(2) The vehicle is sold or an interest in the vehicle is transferred wholly or in part to another person.

(3) The owner's address no longer conforms to the address appearing on the certificate of registration.

(b) The notice must consist of a surrender of the certificate of registration on which the proper information shall be noted on a place to be provided.

(c) If the surrender of the certificate is required because the vehicle is destroyed or abandoned, the department shall cancel the certificate and enter that fact in the records. The number then may be reassigned.

(d) If the surrender is required because of a change of address on the part of the owner, the department shall record the new address. Upon payment of a fee of one dollar (\$1), a certificate of registration bearing the new information shall be returned to the owner.

(e) The transferee of a vehicle registered under this chapter shall, within fifteen (15) days after acquiring the vehicle, make application to the department for transfer to the transferee of the certificate of registration issued to the vehicle. The transferee shall provide the transferee's name and address and the number of the vehicle and pay to the department a fee of one dollar (\$1). Upon receipt of the application and fee, the department shall transfer the certificate of registration issued for the vehicle to the new owner. Unless the application is made and the fee paid within fifteen (15) days, the vehicle is considered to be without a certificate of registration and a person may not operate the vehicle until a certificate is issued."

Renumber all SECTIONS consecutively.
(Reference is to ESB 405 as printed April 8, 2003.)

BUCK

Motion prevailed.

HOUSE MOTION (Amendment 405-1)

Mr. Speaker: I move that Engrossed Senate Bill 405 be amended to read as follows:

Page 3, line 25, after "deliver" insert **"with a postmark dated or hand delivered to the purchaser or transferee"**.

(Reference is to ESB 405 as printed April 8, 2003.)

MAHERN

Motion prevailed.

HOUSE MOTION (Amendment 405-2)

Mr. Speaker: I move that Engrossed Senate Bill 405 be amended to read as follows:

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 3. IC 9-13-2-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 55. "Farm machinery" means a grain and bean separator, combine, combine header, baler, corn picker, ensilage cutter, corn sheller, corn shredder, hay raker, manure spreader, portable saw mill, well drilling machinery, spraying equipment and seeding, cultivating, and harvesting machinery."

Page 10, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 24. IC 9-21-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing overtaking and passing.

(2) When the right half of a roadway is closed to traffic under construction or repair.

(3) Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable to a roadway divided into three (3) marked lanes.

(4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways, a vehicle proceeding at less than the normal speed of traffic at the time and place under the conditions then existing shall be driven:

(1) in the right-hand lane then available for traffic; or

(2) as close as practicable to the right-hand curb or edge of the roadway;

except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) For purposes of this section, "vehicle" does not include the following:

(1) Farm machinery.

(2) Farm tractor."

Renumber all SECTIONS consecutively.
(Reference is to ESB 405 as printed April 8, 2003.)

FRIEND

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 375

Representative Mahern called down Engrossed Senate Bill 375 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 343

Representative C. Brown called down Engrossed Senate Bill 343 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 343-3)

Mr. Speaker: I move that Engrossed Bill 343 be amended to read as follows:

Page 1, line 12, after "following" insert "**chronic**".
 Page 1, line 16, insert "**(D) Hypertension**".
 Page 2, line 3, before "disease" insert "**chronic**".
 Page 2, line 4, after "measures" insert "**and health outcomes**".
 Page 2, line 2, after "health" insert "**and other experts in health care case management or disease management programs**".
 Page 3, line 14, begin a new line block indented and insert:
 "**(4) Hypertension**".
 (Reference is to ESB 343 as printed March 28, 2003.)

C. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 343-4)

Mr. Speaker: I move that Engrossed Senate Bill 343 be amended to read as follows:

Page 2, after line 42, begin a new paragraph and insert:
 "SECTION 2. IC 12-21-2-5, AS AMENDED BY HEA 1395-2003, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Subject to subsection (b), the director may delegate statutory duties or powers of the division, a bureau of the division, the director, or other statutorily created personnel.

(b) If the director decides that a final decision is to be made concerning the placement of a mentally ill individual in a mental health facility, the final decision must be made:

(1) by the director, if the director is a licensed psychiatrist or licensed psychologist; or

(2) by a licensed psychiatrist or licensed psychologist who is delegated the authority by the director;

in consultation with the patient's psychiatrist or psychologist.

(c) Subsection (b) does not apply to an initial placement designation made under IC 12-24-12-10(b)."

Page 5, line 11, delete "IC 34-30-2-77.2" and insert "IC 34-30-2-77.4".

Page 5, line 13, delete "77.2." and insert "77.4".

Page 5, line 14, delete "(concerning)" and insert "(Concerning)".

Renumber all SECTIONS consecutively.

(Reference is to ESB 343 as printed March 28, 2003.)

BECKER

Motion prevailed.

HOUSE MOTION
(Amendment 343-5)

Mr. Speaker: I move that Engrossed Senate Bill 343 be amended to read as follows:

Page 5, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 1. IC 16-41-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this chapter, "emergency medical services provider" means a firefighter, a law enforcement officer, a paramedic, an emergency medical technician, a nurse licensed under IC 25-23, or other person who provides emergency medical services in the course of the person's employment.

SECTION 2. IC 16-41-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A provider of An emergency medical services provider who is exposed to blood or body fluids while providing emergency medical services to a patient may request notification concerning exposure to a dangerous communicable disease under this chapter if the exposure is of a type that has been demonstrated epidemiologically to transmit a dangerous communicable disease.

(b) If a provider of an emergency medical services provider desires to be notified of results of testing following a possible exposure to a dangerous communicable disease under this chapter, the provider of emergency medical services provider shall notify the emergency service facility medical services provider's employer

not more than twenty-four (24) hours after the patient emergency medical services provider is admitted to the facility exposed on a form that is prescribed by the state department and the Indiana emergency medical services commission.

(c) The provider of emergency medical services provider shall distribute a copy of the completed form required under subsection (b) to the following:

(1) If applicable, the receiving medical director of the emergency department of the medical facility:

(A) to which the patient was admitted following the exposure; or

(B) in which the patient was located at the time of the exposure.

(2) The facility that employs the provider of emergency medical services provider's employer.

(3) The state department.

SECTION 3. IC 16-41-10-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.5. (a) A patient (including a patient who is unable to consent due to physical or mental incapacity) to whose blood or body fluids an emergency medical services provider is exposed as described in section 2 of this chapter is considered to have consented to:

(1) testing for the presence of a dangerous communicable disease of a type that has been epidemiologically demonstrated to be transmittable by an exposure of the kind experienced by the emergency medical services provider; and

(2) release of the testing results to a medical director or physician described in section 3 of this chapter.

The medical director or physician shall notify the emergency medical services provider of the test results.

(b) If a patient described in subsection (a) refuses to provide a blood or body fluid specimen for testing for a dangerous communicable disease, the exposed emergency medical services provider, the exposed emergency medical services provider's employer, or the state department may petition the circuit or superior court having jurisdiction in the county;

(1) of the patient's residence; or

(2) where the employer of the exposed emergency medical services provider has the employer's principal office; for an order requiring that the patient provide a blood or body fluid specimen.

SECTION 4. IC 16-41-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Except as provided in subsection (b), if a patient to whose blood or body fluids an emergency medical services provider is exposed as described in section 2 of this chapter:

(1) is admitted to a medical facility following the exposure or is located in a medical facility at the time of the exposure, a physician designated by an emergency the medical service facility shall, not more than seventy-two (72) hours after the medical facility is notified under section 2 of this chapter:

(A) cause a blood or body fluid specimen to be obtained from the patient and testing to be performed for a dangerous communicable disease of a type that has been epidemiologically demonstrated to be transmittable by an exposure of the kind experienced by the emergency medical services provider; and

(B) notify the medical director of a facility employing the provider of emergency medical services described in section 2 of this chapter if (1) not more than seventy-two (72) hours after a patient is admitted to the facility the facility obtains information from the patient's records or a diagnosis at the facility that the patient has a dangerous communicable disease; and (2) the provider of emergency medical services has complied with section 2 of this chapter; provider's employer; or

(2) is not described in subdivision (1), the exposed emergency medical services provider, the exposed emergency medical services provider's employer, or the

state department may:

- (A) arrange for testing of the patient as soon as possible; or
- (B) petition the circuit or superior court having jurisdiction in the county of the patient's residence or where the employer of the exposed emergency medical services provider has the employer's principal office for an order requiring that the patient provide a blood or body fluid specimen.

(b) ~~A provider of~~ An emergency medical services provider may, on the form described in section 2 of this chapter, designate a physician other than the medical director of the facility that employs the provider of emergency medical services provider's employer to receive notification on the form described in section 2 of this chapter: the test results.

(c) The notification required by this section shall be made The medical director or physician described in section 3 of this chapter shall notify the emergency medical services provider of the test results not more than forty-eight (48) hours after the facility determines that a patient medical director or physician receives the test results. has a dangerous communicable disease that is potentially transmissible through the incident.

SECTION 5. IC 16-41-10-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.5. (a) A medical facility may not physically restrain a patient described in section 2.5 of this chapter in order to test the patient for the presence of a dangerous communicable disease.

(b) Nothing in this chapter prohibits a patient from being discharged from a medical facility before:

- (1) a test is performed under section 2.5 or section 3 of this chapter; or
- (2) the results of a test are released under section 3 of this chapter.

(c) A provider or a facility that tests a patient for the presence of a dangerous communicable disease under section 2.5 or section 3 of this chapter is immune from liability for the performance of the test over the patient's objection or without the patient's consent. However, this subsection does not apply to an act or omission that constitutes gross negligence or willful or wanton misconduct.

SECTION 6. IC 16-41-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) ~~If medically indicated,~~ A medical director or physician notified under section 3 of this chapter shall, not more than forty-eight (48) hours after receiving the notification under section 3 of this chapter, contact the provider of emergency medical services provider described in section 2 of this chapter to do the following:

- (1) Explain, without disclosing information about the patient, the infectious dangerous communicable disease to which the provider of emergency medical services provider was exposed.
- (2) Provide for any medically necessary treatment and counseling to the provider of emergency medical services provider.

(b) Expenses of testing or treatment and counseling are the responsibility of the provider of emergency medical services provider or the provider's employer.

SECTION 7. IC 16-41-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Except as otherwise provided in sections 3 and 4 of this chapter, the medical information referred to in this chapter is confidential, and a person may not disclose or be compelled to disclose medical or epidemiological information referred to in this chapter.

(b) A person responsible for recording, reporting, or maintaining information referred to in this chapter who recklessly, knowingly, or intentionally discloses or fails to protect medical or epidemiological information classified as confidential under this section commits a Class A misdemeanor.

(c) In addition to the penalty prescribed by subsection (b), a public employee who violates this section is subject to discharge or other disciplinary action under the personnel rules of the agency that employs the employee."

Page 5, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 8. IC 34-30-2-81.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 81.5. IC 16-41-10-3.5 (Concerning a provider who tests a patient for the presence of a dangerous communicable disease)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 343 as printed March 28, 2003.)

BUDAK

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 341

Representative Fry called down Engrossed Senate Bill 341 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 341-2)

Mr. Speaker: I move that Engrossed Senate Bill 341 be amended to read as follows:

Page 10, line 13, delete "treatment of".

Page 14, line 22, delete "treatment of".

(Reference is to ESB 341 as printed April 8, 2003.)

HERRELL

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 232

Representative Crawford called down Engrossed Senate Bill 232 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 208

Representative Mangus called down Engrossed Senate Bill 208 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 208-1)

Mr. Speaker: I move that Engrossed Senate Bill 208 be amended to read as follows:

Page 4, delete lines 10 through 42.

Delete pages 5 through 6.

Page 7, delete lines 1 through 22.

Renumber all SECTIONS consecutively.

(Reference is to ESB 208 as printed April 8, 2003.)

KUZMAN

The Chair ordered the roll of the House to be called. Roll Call 530: yeas 48, nays 47. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 201

Representative Hinkle called down Engrossed Senate Bill 201 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 201-2)

Mr. Speaker: I move that Engrossed Senate Bill 201 be amended to read as follows:

Page 3, after line 26, begin a new paragraph and insert:

"SECTION 5. IC 36-9-13-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) For the purpose of obtaining money to pay the cost of:

- (1) acquiring or constructing government buildings;
- (2) acquiring land;
- (3) acquiring systems;
- (4) improving, reconstructing, or renovating government buildings, systems, or land;
- (5) repaying any advances for preliminary expenses made to the building authority by an eligible entity;
- (6) purchasing plans, designs, programs, and devices for governmental buildings or systems; or
- (7) refinancing any loan made under section 31 of this chapter;

the board of directors of a building authority may issue revenue bonds of the authority.

(b) The bonds are payable solely from the income and revenues of the particular government buildings, systems, or land for which the bonds were issued.

(c) The bonds must be authorized by resolution of the board. The bonds:

- (1) bear interest payable semiannually; and
- (2) mature serially, either annually or semiannually, at times determined by the resolution authorizing the bonds.

However, the maturities of the bonds may not extend over a period longer than the period of the lease of the government buildings, systems, or land for which the bonds are issued.

(d) The bonds may, and all bonds maturing after five (5) years from date of issuance shall, be made redeemable before maturity at the option of the board of directors of the building authority. Such a redemption must be at the par value of the bonds, together with the premiums, and under the terms and conditions fixed by the resolution authorizing the issuance of the bonds.

(e) The principal and interest of the bonds may be made payable in any lawful medium.

(f) The resolution authorizing the issuance of the bonds must:

- (1) determine the form of the bonds, including the interest coupons (if any) to be attached to them;
- (2) fix the denomination or denominations of the bonds; and
- (3) fix the place or places of payment of the principal and interest of the bonds, which must be at a state or national bank or trust company within Indiana and may also be at one (1) or more state or national banks or trust companies outside Indiana.

(g) The bonds are negotiable instruments under IC 26-1.

(h) The resolution authorizing the issuance of the bonds may provide for the registration of any of the bonds in the name of the owner as to principal alone.

(i) The bonds shall be executed by the president of the board of directors, the corporate seal of the authority shall be affixed to the bonds and attested by the secretary of the board, and the interest coupons (if any) attached to the bonds shall be executed by placing the facsimile signature of the treasurer of the board on them.

(j) The bonds may be sold at a private sale, a negotiated sale, or a public sale.

(k) If the bonds are sold at a public sale, notice of the sale of the bonds shall be published in accordance with IC 5-3-1.

(l) The board of directors shall sell the bonds at public sale, for not less than their par value. The board shall award the bonds to the highest bidder, as determined by computing the total interest on the bonds from the date of sale to the dates of maturity and deducting from that amount the premium bid, if any. Any premium received from the sale of the bonds shall be used solely for the payment of principal and interest on the bonds. If the bonds are not sold on the date fixed for the sale, then the sale may be continued from day to day until a satisfactory bid has been received.

(m) The board of directors may issue temporary bonds, with or without coupons. These bonds, which must be issued in the manner prescribed by this section, may be exchanged for the bonds that are subsequently issued."

Page 6, after line 20, begin a new paragraph and insert:

"SECTION 7. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 201 as printed April 8, 2003.)

HASLER

Motion prevailed.

HOUSE MOTION (Amendment 201-1)

Mr. Speaker: I move that Engrossed Senate Bill 201 be amended to read as follows:

Page 3, after line 25, begin a new paragraph and insert:

"SECTION 4. IC 36-7-4-1210.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1210.6. Notwithstanding any other provision of the law, an advisory plan commission that is created through a joinder agreement and is composed of nine (9)

members some of whom are appointed from a legislative branch of local government, and it is determined by the appointing authority that no member of the legislative branch will accept an appointment to the plan commission, then the appointing authority may appoint a person from the community who is not an elected official to serve on the advisory plan commission for a term of one (1) year subject to being reappointed annually."
(Reference is to ESB 0201 as printed February 14, 2003.)

HINKLE

Motion prevailed. The bill was ordered engrossed.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 144 be returned to the second reading calendar forthwith for the purpose of amendment.

L. LAWSON

Motion prevailed.

Engrossed Senate Bill 144

Representative L. Lawson called down Engrossed Senate Bill 144 for second reading. The bill was reread a second time by title.

HOUSE MOTION (Amendment 144-2)

Mr. Speaker: I move that Engrossed Senate Bill 144 be amended to read as follows:

Page 4, after line 2, begin a new paragraph and insert:

"SECTION 4. IC 35-44-3-9, AS AMENDED BY P.L.243-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]: Sec. 9. (a) As used in this section, "juvenile facility" means the following:

- (1) A secure facility (as defined in IC 31-9-2-114) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.
- (2) A shelter care facility (as defined in IC 31-9-2-117) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(b) A person who, without the prior authorization of the person in charge of a penal facility or juvenile facility knowingly or intentionally:

- (1) delivers, or carries into the penal facility or juvenile facility with intent to deliver, an article to an inmate or child of the facility;
- (2) carries, or receives with intent to carry out of the penal facility or juvenile facility, an article from an inmate or child of the facility; or
- (3) delivers, or carries to a ~~work site~~ **worksite** with the intent to deliver, alcoholic beverages to an inmate or child of a jail work crew or community work crew;

commits trafficking with an inmate, a Class A misdemeanor. However, the offense is a Class C felony if the article is a controlled substance or a deadly weapon.

(c) It is a defense to a charge under subsection (b)(1) that the article delivered to an inmate or child is:

- (1) **not contraband or prohibited property (as defined in IC 11-11-2-1);**
- (2) **necessary for the health or safety of the inmate or child; and**
- (3) **delivered because the facility has not provided the inmate or child with the article after the inmate, the child, or an employee of the facility has requested the article.**

SECTION 5. [EFFECTIVE JULY 1, 2003] An employee of a penal facility who has been the subject of an adverse employment decision based on a violation of IC 35-44-3-9 (b)(1) involving the delivery of an article that is not contraband or prohibited property (as defined in IC 11-11-2-1) after January 1, 2002, and before July 1, 2003, is entitled to a redetermination of any employment action taken in response to the violation, including but not limited to a rehearing or reinstatement."

Renumber all SECTIONS consecutively.
(Reference is to ESB 144 as reprinted April 8, 2003.)

MAHERN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 412

Representative Oxley called down Engrossed Senate Bill 412 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1378 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

DAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1798 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BOTTORFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1458 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1730 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

AGUILERA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1731 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

AGUILERA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1757 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KLINKER

Motion prevailed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1714 and that the Speaker appoint a committee to confer with a like committee from the Senate

and report back to the House.

KLINKER

Motion prevailed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1620:

Conferees: Server and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 202 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Clark, Chair; and Lanane

Advisor: Bray

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 340 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Breaux

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 389 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: M. Young, Chair; and Howard

Advisors: Harrison and Antich

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 494 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Server, Chair; and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 523 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Server, Chair; and L. Lutz

Advisors: Harrison and Antich

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Whetstone be added as cosponsor of Engrossed Senate Bill 176.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as cosponsor of Engrossed Senate Bill 508.

BISCHOFF

Motion prevailed.

Pursuant to House Rule 156, conference committee meetings were announced.

On the motion of Representative Goodin, the House adjourned at 3:50 p.m., this tenth day of April, 2003, until Monday, April 14, 2003, at 10:30 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives